

PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/669,066
Filing Date	09/23/2003
First Named Inventor	Ba-Zhong Shen, Ph.D.
Art Unit	2133
Examiner Name	n/a
Attorney Docket Number	BP3036

Total Number of Pages in This Submission

8

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached (via credit card payment form PTO-2038) <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Preliminary Amendment (4 pages) <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): see remarks below
Remarks The following are also being submitted herewith: 1. Petition under 37 C.F.R. §1.78(a)(3) for the acceptance of an unintentionally delayed claim for priority and Preliminary Amendment (4 pages) 2. Change of Correspondence Address -- Form PTO/SB/122 (09-03) 3. Return Postcard		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Garlick Harrison & Markison, LLP (USPTO CN 34399) Shayne X. Short, Ph.D. (Reg. No. 45,105)
Signature	
Date	08/21/2004

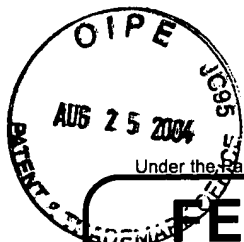
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Shayne X. Short, Ph.D. (Reg. No. 45,105)	
Signature		Date 08/21/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CE

PTO/SB/17 (10-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**1,330.00**

Complete if Known

Application Number	10/669,066
Filing Date	09/23/2003
First Named Inventor	Ba-Zhong Shen, Ph.D.
Examiner Name	n/a
Art Unit	2133
Attorney Docket No.	BP3036

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: **50-2126**
Deposit Account Name: **Garlick Harrison & Markison LLP**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	18	
Independent Claims	-3** =	86	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130		2051 65		Surcharge - late filing fee or oath	
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130		1053 130		Non-English specification	
1812 2,520		1812 2,520		For filing a request for <i>ex parte</i> reexamination	
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110		2251 55		Extension for reply within first month	
1252 420		2252 210		Extension for reply within second month	
1253 950		2253 475		Extension for reply within third month	
1254 1,480		2254 740		Extension for reply within fourth month	
1255 2,010		2255 1,005		Extension for reply within fifth month	
1401 330		2401 165		Notice of Appeal	
1402 330		2402 165		Filing a brief in support of an appeal	
1403 290		2403 145		Request for oral hearing	
1451 1,510		1451 1,510		Petition to institute a public use proceeding	
1452 110		2452 55		Petition to revive - unavoidable	
1453 1,330		2453 665		Petition to revive - unintentional	
1501 1,330		2501 665		Utility issue fee (or reissue)	
1502 480		2502 240		Design issue fee	
1503 640		2503 320		Plant issue fee	
1460 130		1460 130		Petitions to the Commissioner	
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180		1806 180		Submission of Information Disclosure Stmt	
8021 40		8021 40		Recording each patent assignment per property (times number of properties)	
1809 770		2809 385		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770		2810 385		For each additional invention to be examined (37 CFR 1.129(b))	
1801 770		2801 385		Request for Continued Examination (RCE)	
1802 900		1802 900		Request for expedited examination of a design annulation	
Other fee (specify) <small>Petition fee for Acceptance of an unintentionally delayed claim for priority as set forth in section 1.17(i)</small>					1330

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**1330**

SUBMITTED BY

Name (Print/Type)	Shayne X. Short, Ph.D.	Registration No. (Attorney/Agent)	45,105	Telephone	(512) 825-1145
Signature	<i>Shayne X. Short</i>	Date	08/21/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Ba-Zhong Shen, Ph.D.,
Hau Thien Tran, and
Dr. Kelly Brian Cameron

Examiner: n/a

Application Serial No: 10/669,066

Art Group: 2133

Application Filing Date: 09/23/2003

Confirmation No: 2725

Patent No: n/a

Attorney Docket No: BP3036

Patent Issue Date: n/a

Title: Variable modulation with LDPC (Low Density Parity Check) coding

Date: Saturday, August 21, 2004 (08/21/2004)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

(1) PETITION UNDER 37 C.F.R. §1.78(a)(3) FOR ACCEPTANCE OF
UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 35 U.S.C. §120
AND
(2) PRELIMINARY AMENDMENT

Dear Sir or Madam:

(1) PETITION UNDER 37 C.F.R. §1.78(a)(3) FOR ACCEPTANCE OF
UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 35 U.S.C. §120

The Applicant hereby petitions under 37 C.F.R. §1.78(a)(3) for the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §120 in the above-referenced application.

The Applicant asserted the priority claims in the above-referenced patent application within the original filing, but the Applicant unintentionally asserted those priority claims in a manner that was not in compliance with 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). The Applicant hereby amends those priority claims to bring them into compliance with 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2).

The Applicant herewith submits a preliminary amendment to amend the originally-submitted priority claim so that it complies with 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2);

the Applicant herewith submits the surcharge set forth in §1.17(t); and

the Applicant hereby states that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(1)(ii) and the date the claim was filed (i.e., brought into compliance in this filing) was unintentional.

The Applicant respectfully requests that the Examiner enter the "CROSS REFERENCE TO RELATED PATENTS/PATENT APPLICATIONS" section as amended below.

(2) PRELIMINARY AMENDMENT

On page 1, starting at line 3, and continuing onto page 2 of the originally filed written specification, please amend the "CROSS REFERENCE TO RELATED PATENTS/PATENT APPLICATIONS" section as follows:

"CROSS REFERENCE TO RELATED PATENTS/PATENT APPLICATIONS"

The present U.S. Utility Patent Application claims priority pursuant to 35 U.S.C. § 119(e) to the following U.S. Provisional Patent Applications which are hereby incorporated herein by reference in their entirety and made part of the present U.S. Utility Patent Application for all purposes:

1. U.S. Provisional Patent Application Serial No. 60/384,698, entitled "Variable code rate and signal constellation turbo trellis coded modulation codec," (Attorney Docket No. BP 2333), filed May 31, 2002 (05/31/2002), pending.

2. U.S. Provisional Application Serial No. 60/478,690, "Coded modulation with LDPC (Low Density Parity Check) code using variable maps and metric updating," (Attorney Docket No. BP3036), filed June 13, 2003 (06/13/2003), pending.

The present U.S. Utility Patent Application is also a **continuation-in-part (CIP)** ~~of also claims priority pursuant to 35 U.S.C. § 120 to~~ the following U.S. Utility Patent Application which is hereby incorporated herein by reference in its entirety and made part of the present U.S. Utility Patent Application for all purposes:

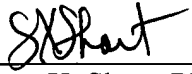
1. U.S. Utility Application Serial No. 10/264,486, entitled "Variable code rate and signal constellation turbo trellis coded modulation codec," (Attorney Docket No. BP 2333), filed October 4, 2002, pending, which claims priority pursuant to 35 U.S.C. § 119(e) to U.S. Provisional Patent Application Serial No. 60/384,698, entitled "Variable code rate and signal constellation turbo trellis coded modulation codec," (Attorney Docket No. BP 2333), filed May 31, 2002 (05/31/2002), pending.

The following U.S. Utility Patent Application, being filed concurrently, is hereby incorporated herein by reference in its entirety and made part of the present U.S. Utility Patent Application for all purposes:

1. U.S. Utility Patent Application Serial No. 10/669,177, entitled "Metric updating when decoding LDPC (Low Density Parity Check) coded signals and LDPC coded modulation signals," (Attorney Docket No. BP3036.1), filed September 23, 2003 (09/23/2003), pending."

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present patent application, or if the Examiner has any additional questions or concerns.

RESPECTFULLY SUBMITTED,

By: 
Shayne X. Short, Ph.D.
Reg. No. 45,105
Direct Phone: (512) 825-1145
Direct Fax No. (512) 394-0054

GARLICK HARRISON & MARKISON LLP

ATTORNEYS AT LAW

USPTO CN 34399

P.O. Box 160727

AUSTIN, TEXAS 78716-0727

TELEPHONE (512) 825-1145 / FACSIMILE1 (512) 394-0054 / FACSIMILE2 (512) 264-3735